IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 10642 of 2004

Between:
M/s Sri Vishnu Cements Limited, Dondapadu - 508 246 Kodad,
Nalgonda District, rep.by its Sr.Manager, Finance & Accounts,
Mr.T.K.Ramesh

..... PETITIONER

AND

1 The Commercial Tax Officer, Kodad Circle, Nalgonda District
2 The Deputy Commissioner (CT), Nalgonda Division, Nalgonda
3 The Additional Commissioner of Commercial Taxes, Legal (FAC),
Andhra Pradesh, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate Writ or Order or direction quashing the order of the 3rd respondent in CCT Ref.No.LIII(3)676/2004 dated 2-6-2004 as arbitrary, unjustified and unreasonable and consequently, restrain the 1st respondent from taking any coercive steps for recovery of the disputed tax of Rs.11,07,773/- for the assessment year 1996-97 pending disposal of T.A.No.1165/2003 before the Sales Tax Appellate Tribunal and pass such other order or orders as the Court may deem fit.

Counsel for the Petitioner:MR.P.SRINIVASA REDDY

Counsel for the Respondents : GP FOR COMMERCIAL TAXES

The Court made the following O R D E R:
(Per the Hon'ble Sri Justice Bilal Nazki).

The petitioner had filed an application for stay, before the Additional Commissioner of Commercial Taxes (Legal), Hyderabad, pending appeal before the Tribunal. The Additional Commissioner rejected the application and the Writ Petition is filed.

In the interest of justice, we direct that 50 per cent of the liability shall be discharged within a period of six weeks, subject to outcome of the appeal. For six weeks, there shall be an unconditional stay and stay shall continue if half of the liability is discharged during this period. However, if the petitioner fails to deposit the amount, the stay shall stand vacated automatically.

Writ Petition is disposed of accordingly. No costs.

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(BILAL NAZKI, J)

28th June, 2004.

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(P.S.NARAYANA,J)

Note:Furnish C.C in three days
b/o
vrn

To
1 The Commercial Tax Officer, Kodad Circle, Nalgonda District
2 The Deputy Commissioner (CT), Nalgonda Division, Nalgonda
3 The Additional Commissioner of Commercial Taxes, Legal (FAC), Andhra Pradesh, Nampally, Hyderabad.

4. Two C.Cs to the G.P for Commercial Taxes, High Court Buildings, Hyderbad.
5. Two C.D copies.